

REMARKS

Claims 37-48 are pending, and all claims stand rejected. Claims 37, 41, 42, 44, 46, and 47 have been amended. Support for the amendments to claims 37, 41, 42, and 44 may be found throughout the specification, such as, for example, page 3, line 26 – page 4, line 4.

Claims 46-47 have been amended to provide proper antecedent basis.

Claims 49- 62 have been added. Support for claims 49, 50, 53, and 54 may be found at page 4, lines 5-16. Support for claims 51 and 52 may be found at page 8, line 30 – page 9, line 15. Support for claims 55-62 may be found throughout the specification, such as, for example, at page 4, lines 17-25.

Applicants respectfully submit that these amendments add no new matter, and entry into the record is respectfully requested.

In view of the above amendments and the following remarks, Applicants request further examination of the application and reconsideration of the rejections set forth in the office action mailed August 2, 2004.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 37-40 and 42 are rejected under 35 U.S.C. §102(b) as anticipated by van der Hoeven, U.S. Patent No. 4,789,604 (“van der Hoeven”). As support for this rejection, it is contended that van der Hoeven “shows that the composition is cross-linked downstream of the application point,” and the composition is cured at a different point in the production process from where it is applied to the coating (Office Action of 3/16/2004 at page 4, van der Hoeven FIG. 1). In van der Hoeven, earlier applied composition is cured later in the process, where the coating has been applied, but not yet crosslinked.

In contrast, amended claim 37 recites “wherein the chemically crosslinkable composition crosslinks at the point of application as the composition is being applied.” Support for this amendment may be found throughout the specification, such as, for example, page 3, line 26 – page 4, line 4. This more particular wording illustrates that the coating crosslinks at the point of application as it is being applied, rather than at some other point later in the process.

As van der Hoeven does not describe, teach, or suggest such a process, claim 37 is both novel and unobvious over van der Hoeven. Dependent claims 38-40 and 42 ultimately depend upon claim 37 and thus incorporate every limitation of independent claim 37. Therefore, claims 38-40 and 42 are also novel and unobvious over van der Hoeven. Accordingly, applicants respectfully request withdrawal of this rejection.

Claim Rejections – 35 U.S.C. § 103(a) Helmer

Claims 37-48 stand rejected under 35 U.S.C. §103(a) as obvious in view of van der Hoeven and Helmer, PCT Application No. WO 96/22338 (“Helmer”).

Van der Hoeven concerns decorative panels having improved surface properties. These panels are constructed by forming an outer layer, and placing it onto a core layer (col. 8, lines 38-50, examples 1-3). The outer layer is formed by coating a substrate and then later curing the coating by polymerizing the resin layer by exposure to radiation. (col. 2, lines 11-45).

In contrast, Helmer discusses compositions that may be used as fast hardening aqueous coating compositions. The hardening of the coating composition occurs “under ambient conditions without elevated temperature or other extraordinary means.” (page 20, lines 4-5).

Coatings that can be cured by radiation have different chemistries than those which are not. As it was found that using a radiation curable coating for a decorative panel in Van der Hoeven had such surprisingly good results, one of skill in the art would not be led to modify that process by substituting other non-radiation curable coatings. Further, there is no suggestion in Van der Hoeven that other coatings would function as well, and also no cited motivation from the prior art to use a different coating composition. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.¹

As there is no suggestion or motivation in the prior art to combine the references, the rejection founded on the combination of van der Hoeven and Helmer is improper hindsight

¹ See, e.g. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990); (MPEP § 2143.01).

analysis based on the disclosure of the present application. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

Claim Rejections – 35 U.S.C. § 103(a) Kunz

Claims 41 and 43-48 are rejected under 35 U.S.C. §103(a) in view of van der Hoeven, and Kunz, US Patent Number 5,157,073 (“Kunz”).

Kunz discusses a thermosetting coating. As Kunz states, “the coating composition of this invention is based on a non-aqueous polymeric binder comprising a carboxylic acid functional polymer neutralized with zinc carbonate to produce an ionomer which is adapted to gel and provide crosslink-type characteristics when heat cured.” (col. 3, lines 20-33). This approach is demonstrated in the examples in which the coating is applied, and then afterwards baked on the coated substrate at high temperatures. Thus, the composition crosslinks (or forms clusters) and cures when later subjected to high temperature (col. 2, lines 18-26). Kunz discusses and illustrates an ionic coating in which a coating is applied, and then later cured at a high temperature. In a similar fashion, in Van der Hoeven, the coating is applied at one point of a process, and cured at a later point.

Amended claims 37 and 44 recite that the “crosslinkable composition crosslinks at the point of application as the composition is being applied.” Support for these amendments may be found throughout the specification, such as, for example, page 3, line 26 – page 4, line 4.

Kunz and van der Hoeven, whether considered alone or in combination, do not teach, suggest, or describe a coating where the “composition crosslinks at the point of application as the composition is being applied.” Therefore, the claims are not obvious under 35 U.S.C. § 103(a) over Kunz and van der Hoeven, whether taken alone or in combination. Applicants respectfully request that this rejection be withdrawn.

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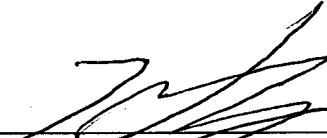
Attorney's Docket No.: 11939-066002 / 06-1480-0102

Applicants request entry and consideration of the amendments and withdrawal of the rejections. Allowance of the claims is solicited. If questions remain regarding the above, please contact the undersigned.

Enclosed is a \$110.00 check for the Petition for Extension of Time fee and \$108.00 for the extra claims fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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